

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JAMES W. HARPEL,)
Plaintiff,) Civil Action No.: 1:12-cv-10280-RWZ
v.)
RONALD A. NICHOLSON)
Defendant.)

RULE 16.1(d)(3) CERTIFICATION

Pursuant to D. Mass. L.R. 16.1(d)(3), Plaintiff James W. Harpel and his undersigned counsel hereby certify that they have conferred: (a) with a view to establishing a budget for the costs of conducting the full course –and various alternative courses – of the litigation; and (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs, such as those outlined in D. Mass. L.R. 16.4.

Dated: November 5, 2012

Dated: November 5, 2012

/s/ *James W. Harpel*

James W. Harpel

/s/ *Daniel J. Murphy*

Paul McDonald (Admitted *Pro Hac Vice*)
Daniel J. Murphy, BBO No. 656021
Bernstein, Shur, Sawyer & Nelson, P.A.
100 Middle Street, P.O. Box 9729
Portland, Maine 04104-5029
(207) 774-1200 (t)
(207) 774-1127 (f)
pmcdonald@bernsteinshur.com
dmurphy@bernsteinshur.com

Attorneys for Plaintiff James W. Harpel